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To: Commissioner for Patents for Examiner Maria Teresa T. Thein Group Art Unit 3627	Facsimile No.: 571/273-8300
From: Amelia Turner Legal Assistant to Stephen R. Tkacs	No. of Pages Including Cover Sheet: 34
Message: Transmitted herewith: <ul style="list-style-type: none">• Transmittal Document;• Response to Notification of Non-Compliant Appeal Brief;• Copy of Notification of Non-Compliant Appeal Brief; and• Supplemental Appeal Brief (37 C.F.R. 41.37).	
Re: Application No.: 09/746,176 Attorney Docket No: AUS920000765US1	
Date: Tuesday, September 06, 2005	
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Morrison et al.

Serial No.: 09/746,176

Filed: December 21, 2000

For: Electronic Auction Method and
System Permitting Simultaneous Bids
on Multiple, Different Items

35525

PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

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Group Art Unit: 3627

Examiner: Thein, Maria Teresa T.

Attorney Docket No.: AUS920000765US1

<p><u>Certificate of Transmission Under 37 C.F.R. § 1.8(a)</u></p> <p>I hereby certify this correspondence is being transmitted via facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, facsimile number (571) 273-8300, on September 6, 2005.</p> <p>By: <u>Amelia C. Turner</u></p>
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Commissioner for Patents
P.O. Box 1450
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Sir:

TRANSMITTED HEREWITH:

- Response to Notification of Non-Compliant Appeal Brief;
- Supplemental Appeal Brief (37 C.F.R. 41.37); and
- Copy of Notification of Non-Compliant Appeal Brief.

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,176	12/21/2000	William James Morrison	AUS920000765US1	2913
35525	7590	08/03/2005	EXAMINER	
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			ART UNIT	PAPER NUMBER

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

CLIENT DOCKET INFORMATION
Client Name AUS920000765US1
File No. _____
DATE 09.02.05 ACTION DOCKETED Response to
Notification of Non-
Compliant Appeal Letter
Docketed By mg Date 09.10.05
Checked By _____ Date _____
Attorney Initials 7 Date 09/11/07

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 09/748,178	Applicant(s) MORRISON ET AL.	
	Examiner Marissa Thain	Art Unit 3827	

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

The Appeal Brief filed on 23 May 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file a complete new brief in compliance with 37 CFR 41.37 within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☐ Other (including any explanation in support of the above items):

Appellants' must be clear in the "Summary of claimed subject matter" if Appellants' are invoking or not invoking 35 C.F.R. 112, sixth paragraph on claims 33, 41-44, since the claims recite the "means plus function" language. Appellants' must provide a concise and clear statement of either invoking or not invoking 35 C.F.R. 112, sixth paragraph. Please note if Appellants are providing the statement for invoking 35 C.F.R. 112, sixth paragraph, Appellants must set forth the structure, material, or acts described in the specifications as corresponding to each claimed function with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

BEST AVAILABLE COPY

James McClellan
JAMES MCCLELLAN
PRIMARY EXAMINER